No. 71-833

In the Supreme Court of the United States

OCTOBER TERM, 1971

ERNEST DACOSTA, PETITIONER

v.

MELVIN LAIRD, individually, and as Secretary of Defense of the United States, *et al.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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This is another suit by an individual soldier who challenges the legality of the United States involvement in hostilities in Vietnam. We have most recently filed a response to a similar action, *Perkins* v. *Laird*, No. 71-790, and our memorandum filed there is equally applicable to this case. For the reasons stated therein, and in our brief in opposition (pp. 17-42) in *Massachusetts* v. *Laird*, No. 42 Original,

October Term 1970, motion for leave to file bill of complaint denied, 400 U. S. 886, this petition for a writ of certiorari should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1972.

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